



AIEO UPDATE

July 2005

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AIEO UPDATE is published to provide information on activities of the American Indian Environmental Office (AIEO) and the Indian Program of the United States Environmental Protection Agency (EPA). AIEO UPDATE is available through electronic mail and can be viewed on the EPA AIEO Web Page. We believe the information is accurate, but this is not a binding agency statement. AIEO greatly encourages input and feedback. For information or submissions, please contact Elvira Dixon at (202) 564-0378, or at e-mail address dixon.elvira@epa.gov. It is found under "Publications" at: <http://www.epa.gov/indian>.

NEWS FROM AIEO DIRECTOR

First, a hearty congratulation to the Grand Traverse Band of Ottawa and Chippewa Indians on the very successful 7th Biannual National Tribal Conference Environmental Management and to the EPA staff who worked so hard with the Tribe. We had attendees from tribes, federal and state governments, contractors, vendors, and friends. The location was beautiful with first rate facilities, the meetings efficient, organized and topical and the daily entertainment was wonderful. The bar has been raised for our next tribal hosts. Once again, congratulations to everyone involved and we'll see everyone gathered together again in 2 years.



At AIEO we continue to focus on performance and accountability. Undoubtedly, these are tough times for EPA. Nevertheless, we have been able to maintain the EPA Tribal Program and continue to build upon our successes. Currently, our challenges are to work more efficiently with the resources we do have available. This will require creativity and patience on all of our parts. One way in which EPA is doing this is through collaborative interagency efforts. On a number of tribal issues, open dumps, access to safe drinking water and basic sanitation, NEPA compliance, and data collection and sharing we are working within the federal family to accomplish our mission. EPA's collaboration extends beyond the federal family. We are actively working with a number of tribes, intertribal organizations, EPA advisory groups, and nongovernmental organizations to insure that we are meeting the tribal human health and environmental protection needs.

Our emphasis on service continues to pay off. I am pleased to report that AIEO was awarded the prestigious OW "Agents for Organizational Improvement Award" for the first time ever. Congratulations to AIEO staff for this well-deserved recognition!

AIEO/INDIAN PROGRAM NEWS



Confirmation of Stephen L. Johnson, EPA's Administrator

Stephen L. Johnson was sworn in by President Bush on Monday, May 2, 2005, as the 11th Administrator of EPA. More information on the confirmation of Administrator Johnson including his message can be found at:

<http://www.epa.gov/adminweb/administrator/index.htm>.

General Assistance Program (GAP)

The GAP allocation for this year was reduced from \$62.5 million in Fiscal Year (FY) 2004 to \$62 million in FY05. The reduction of \$500,000 is symptomatic of reductions of discretionary funding across the federal government. Despite reductions, EPA will continue to work with our tribal partners to identify and address the needs for building environmental protection programs across Indian country.

AIEO continues to work on an evaluation of the GAP. AIEO is working with the Office of Policy, Economics and Innovation to refine the questions and methodology that will be used to ensure that the evaluation addresses the right issues. The project goals are to strengthen EPA's ability to describe the impact of the GAP on a national basis, and build a profile of the key factors in each community that will best enable tribes to use GAP resources to build environmental capacity. AIEO's contact is Rodges Ankrah at ankrah.rodges@epa.gov or (202) 564-0280.

National Tribal Caucus Meeting with EPA's Assistant Administrators - Washington DC

The National Tribal Caucus (NTC) Executive Officers and the Sub-Committee Chairs recently met with each of EPA's Assistant Administrators in mid April 2005. They discussed the newly adopted NTC structure and convey key policy and budget priorities to the Agency. In previous years, the forum for interaction between the NTC and EPA leadership was one large group meeting. Nat Nutongla, Vice Chair of the NTC, believes "the new approach of meeting individually with each Assistant Administrator allows for a more focused discussion and interaction." The NTC will continue to assess national budget priorities and develop its annual national tribal budget recommendations for the EPA Administrator.

Overcoming Implementation Challenges to Leaking Underground Storage Tanks (USTs) in Indian Country

During fall 2004, Arlene Luther, Director, Navajo Nation Waste Regulatory Compliance Department and Henry Haven, Navajo Nation UST program met on UST issues in Indian

country with EPA headquarters staff of Office of Solid Waste and Emergency Response (OSWER), Office of Enforcement and Compliance Assurance (OECA), and Office of General Counsel (OGC). Ms. Luther conveyed that Navajo Nation has significant problems with leaking underground storage tanks (LUSTs), and has identified 652 USTs on the Navajo reservation, of which 61 were found to be leaking, 42 were in questionable conditions, and 86 had been abandoned. These USTs do not include ones owned by the U.S. Bureau of Indian Affairs (BIA).

Under federal law and EPA policy, owners/operators of the USTs are considered potentially responsible parties (PRPs). Many owners have abandoned USTs and cannot be located. If PRPs are not found, EPA can clean up the sites. EPA will later seek to recover costs from PRPs. For USTs located on Indian trust lands, it could be asserted that the tribe becomes the owner of the abandoned USTs, which would make them PRPs. However, tribes were often not an original or substantial party to the leases made between the individual owner/operators and BIA.

Utilizing two existing EPA guidances on LUSTs and agency discretion regarding regulatory interpretation, OSWER's Office of Underground Storage Tanks (OUST), OECA's Office of Site Remediation and Enforcement (OSRE), OGC, AIEO and Region 9 have continued to address issues concerning cost recovery for LUST sites in Indian country. Based on this work, EPA has addressed nine LUSTs on the San Carlos Apache and Hopi reservations. There are current discussions with other tribes to address other UST problems. AIEO's contact person is Jose Aguto, aguto.jose@epa.gov, (202) 564-0289.

National Tribal Air Forum

Institute for Tribal Environmental Professionals (ITEP) held the National Tribal Air Forum on April 19 – 21, 2005, at the Prairie Island Indian Community (Minnesota). The purpose of the National Tribal Forum Series is to provide tribes, EPA representatives, and other organizations an opportunity to meet and discuss current policies, regulatory initiatives, funding, and technical topics in air quality. ITEP extends invitations to Tribal air quality professionals, EPA representatives and other interested parties. The NTF Series is a cost-share event. ITEP normally pays for lodging, airfare and per diem for selected participants. Attendees are responsible for other transportation expenses.

Results of the meeting and other information on the National Tribal Air Forum can be found on ITEP's website at <http://www4.nau.edu/itep>. ITEP's contact person is Naomi Yazzie, naomi.yazzie@nau.edu, (928) 523-0673. The Office of Air and Radiation headquarters contact is Darrel Harmon, OAR Tribal Coordinator, harmon.darrel@epa.gov, (202) 564-7416.

***Wind River to be First Tribe to Deliver Water Monitoring Data to EPA
Using Central Data Exchange (CDX) Technologies***



FT. WASHAKIE, WY. APR 7. -- The Wind River tribes (Arapahoe and Shoshone tribes) joined EPA's Office of Water (OW), Environmental Sampling, Analysis and Results (ESAR), pilot project. The Wind River Indian Reservation is comprised of 2.2 million acres with more than 1200 miles of rivers and streams and 365 lakes and reservoirs to monitor. The two tribes on one reservation have established the Wind River Environmental Quality Commission to jointly administer and manage their environmental protection programs.

The ESAR pilot project will be delivering water quality monitoring data directly over the internet using secured protocols and standards developed by EPA Office of Environmental Information. The other participants are the states of Michigan, Texas, and Oregon. Tribal water monitoring data were collected by Wind River Environmental Quality Commission using grant funds from EPA's Clean Water Act Section 106 Water Quality Management Program. Data flows are planned for December 2005. "Water monitoring data are important, and sharing it with EPA can only help tribes," said Don Aragon, Director of the Wind River Environmental Quality Commission.

Peter Grevatt and Joe Wilson, from the Monitoring Branch of the OW Office of Wetlands, Oceans and Watershed manage the ESAR pilot. Participants from Wind River include Don Aragon, Jim Shakespeare, Dean Goggle, Art Shoutis and Dan Shoutis. This data exchange activity is part of the AIEO's Tribal Program Enterprise Architecture (TPEA). AIEO contact person is Ed Liu, liu.ed@epa.gov, (202) 564-0287.

Great Lakes Regional Collaboration



The Great Lakes Regional Collaboration (GLRC) brings together a federal Task Force, the Great Lakes tribes, states, local communities, regional bodies, and other interested parties in the Great Lakes region. The Great Lakes Framework calls for these parties to, within one year, design a strategy to restore and protect the Great Lakes now and into the future (The Framework for the GLRC defines the process for developing a Great Lakes restoration and protection strategy).

The Strategy Teams, made up of government representatives as well as representatives of organizations and entities, are the working bodies for GLRC and are responsible for producing draft strategic action plans that are supported by specific action items and recommendations to address the issues considered by the specific Teams. The strategic action plans from the Strategy Teams will be combined into a draft of the comprehensive strategy that will be provided to the Great Lakes Regional Collaboration members for review and consideration.

Participation in the Strategy Teams is open to all governmental, non-governmental stakeholders, and other interested group representatives. Information on how to join a Strategy Team can be found at <http://www.epa.gov/greatlakes/collaboration/issueareas.html> - teams.

Governmental, non-governmental stakeholders, and other interested group representatives also are welcome to attend joint meetings of the Executive Committee and the Strategy Teams, as well as Summit I and Summit II, the meetings at which the draft and final versions of the Strategy will be released to the public. Meeting information will be posted at <http://www.epa.gov/greatlakes/collaboration/meetings.html> as it becomes available. In addition, upon release of the draft Strategy in July 2005, there will be a public comment period during which interested parties can provide input on the draft Strategy. The tribes in the Great Lakes have been participating in this collaborative effort. To find out more about Great Lakes Regional Collaboration, please visit <http://www.epa.gov/greatlakes/collaboration/index.html>. AIEO's contact person for the Great Lakes Regional Collaboration is Candi Schaedle, schaedle.candi@epa.gov, (202) 564-6121.

National Tribal Conference on Environmental Management (NTCEM)



The NTCEM was held on June 6-10, 2005, and was hosted by the Grand Traverse Band of Ottawa and Chippewa Indians (GTB). The tribe's call for presentations resulted in receiving over 140 proposals from around the country. There were about 600 conference participants with 107 tribes represented throughout the country.

Contacts at the tribes are: Suzanne McSawby, GTB Natural Resource Department Director at smcsawby@gtbindians.com or (231) 271-7104, and Andy Knott, GTB Environmental Stewardship Director at aknott@gtbindians.com or (231) 271-7363. EPA contacts are: Technical Lead, Marylouise Uhlig at (202) 564-0545 with assistance from Ella Mulford, (202) 564-0285.

Federal Implementation Plans under the Clean Air Act for Indian Reservations in Idaho, Oregon, and Washington, Final Rule (April 8, 2005)

The Environmental Protection Agency (EPA) published final rule, April 8, 2005, on Federal Implementation Plans (FIPs) under the Clean Air Act (CAA) for Indian reservations in Idaho, Oregon, and Washington. The FIPs put in place basic air quality regulations to protect health and welfare on 39 Indian reservations located in the Pacific Northwest. EPA developed this basic set of air rules to fill the regulatory gap under the Clean Air Act (CAA) with federal air rules where there are no EPA-approved tribal or state implementation plans. These rules will "level the playing field" between air pollution sources on and off Indian reservations. These rules become effective 60 days after they are published in the *Federal Register*.

The FIPs rules will protect human health and air quality for people on Indian reservations in the Pacific Northwest, and will enable EPA to act in a manner consistent with its trust responsibility to implement federal environmental law that protects reservation

environments. These rules will apply to any person who owns or operates an air pollution source on Indian reservations in Idaho, Oregon, and Washington.

For more information on these rules, see <http://www.epa.gov/r10earth/FARR>. EPA Region 10 has a hotline for callers to ask questions about these rules, to obtain materials related to these rules, and to report violations of these rules. The Federal Air Rules for Reservations in Idaho, Oregon, and Washington (FARR) hotline number is 1-800-424-4EPA (4372). Debra Suzuki of EPA Region 10's Office of Air, Waste and Toxics can also be contacted for additional information at (206) 553-0985.

Tribal Code Modifications in the Air Quality System

(Excerpted from an Article in the EPA Tribal Air News, April 2005, Volume 3, Issue 3; Contact: Julie McClintock, 919-541-5339)

The Air Quality System (AQS) contains ambient air pollution data collected by EPA, state, local, and tribal air pollution agencies from thousands of monitoring stations. AQS also contains meteorological data, descriptive information about each monitoring station (including its geographic location and its operator), and data quality assurance/quality control information. The Office of Air Quality Planning and Standards and other AQS users rely upon the system data to assess air quality, assist in Attainment/Non-analysis, and other air quality management functions. AQS information is also used to prepare reports for Congress as mandated by the Clean Air Act.

State, local and tribal agencies submit their data directly to AQS using a web application. Registered users may also retrieve data through the AQS application and through the use of third party software such as the Discoverer tool from Oracle Corporation.

There are approximately 147 air quality monitoring sites currently being operated by Tribes. The air quality data they provide is valuable for developing a more complete understanding of air quality throughout a given region. In addition, access to the data allows EPA and the tribes to understand and work towards solving air quality management problems. Data from many of these sites are not reported to the AQS. Under the current format, Tribes would need to enter their data using existing state and county codes rather than using codes representing tribal entity. To better recognize our government-to-government relationship, EPA and the tribes have established a workgroup to determine the best approach for modifying the AQS.

Change in the AQS is needed to better meet tribal needs. This includes input transactions, forms and reports within the system. Once these changes are finished, tribal users will be able to submit and retrieve tribal data efficiently. EPA expects most of the modifications to be finished in 2005.

One of the first changes has been to modify the profile screen to allow tribal users to identify themselves. EPA has added a Tribal User checkbox. By checking this box, tribal users will be directed to their own screens including tribal codes that they can enter instead of entering data using a state and/or county code.

The tribal code box will be the first column before other selection criteria. Other users will need to enter state and county codes. This allows each set of users to either be in tribal mode or state/county mode. When in Tribal Mode, the tribal user will input their tribal code, hitting the tab key will allow the user to skip State Code and County Code automatically – making data entry much easier. Should they wish to include a state code or county code, they can always just click in the area with the mouse to input the data.

The user profile screen also will allow users to operate both as tribal users (i.e., be allowed to retrieve data using tribal codes) and non-tribal users (i.e., retrieve data by state and county). You may also toggle this on and off by using the menu selection at the top of the screen. Users can select **Action**, then select **Tribal Mode On** or **Tribal Mode Off**.

The Office of Air and Radiation held their annual AQS conference in San Diego, California, on 13-16 June 2005. Results of the conference will be posted at <http://www.epa.gov/ttn/airs/airsaqs/conference/conferences.htm>. You can contact Jerry Husketh at (919) 541-5449, husketh.jerry@epa.gov, for additional information.

OECA Tribal National Priority

Tribal compliance assurance was selected as a national enforcement and compliance priority for the FY 2005- 2007 period. The primary goal of the tribal priority is to significantly improve human health and the environment in Indian country and other tribal areas through EPA and tribal compliance assistance, compliance monitoring, and enforcement activity. Through capacity building and direct implementation, EPA will achieve this goal by initially focusing national attention on three areas: drinking water, schools, and waste management. Information on the tribal compliance assurance priority is available at <http://www.epa.gov/compliance/data/planning/priorities/tribal.html>. A wide array of environmental information on each of these areas is available in the “current EPA priorities section of the National Environmental Compliance Assistance Clearinghouse at <http://cfpub.epa.gov/clearinghouse/index.cfm?TopicID=C:10:450>: Tribal information is available in the compliance assistance, compliance monitoring, and enforcement categories.

This year, OECA also published its overall approach for working in Indian country. The approach can be found at: <http://www.epa.gov/oeca/planning/tribal/strategy.html>. For further information please contact: Jonathan Binder, binder.jonathan@epa.gov, or (202) 564-2516."

Washington Internship for Native Students (WINS) Program

The WINS program was initiated 13 years ago in response to a White House initiative on American Indians and Alaska Natives. Well-qualified students are given an opportunity to advance their higher education while interning and learning in Washington, DC. These students bring rich cultural heritage and energetic talents as well as teachable open

minds to their internship positions. While working full time in academically supervised internships, students earn 6 credits in the 8-week summer term and 9 credits in the 15-week fall and spring semesters. American University provides full academic oversight for the internship program in addition to offering evening course work for the interns. WINS students receive American University academic credits, full transportation, books, housing, meals and a stipend.

This summer, AIEO is sponsoring Lisa Dixon with a 3.94 GPA and majoring in Psychology. See below for more information about Lisa (under *New Faces at AIEO, AIEO Highlights*). Lisa's internship commenced on June 6, 2005 and will end July 29, 2005. AIEO's contact person is Bob Smith, smith.bob@epa.gov, (202) 564-0278.

Tribal Science Council (TSC)

NATIONAL EPA-TRIBAL SCIENCE COUNCIL (TSC) and the Pyramid Lake Paiute Tribe hosted a workshop on "Addressing Tribal Traditional Lifeways in EPA's Risk Assessment Policies and Procedures" on January 25-28, 2005, in Reno, Nevada. The TSC invited representatives from all the EPA sponsored workgroups (e.g., Forum on State and Tribal Toxics Action, Superfund Working Group, Tribal Pesticide Program Council) and individuals working in Indian country to help shape the agenda and identify risk practitioners to participate in the workshop. Workshop participants explored the TSC's long-term goal of integrating Tribal Traditional Lifeways into EPA decision making and its' short-term goal of developing recommendations for incorporating Tribal Traditional Lifeways into EPA's current risk assessment policies and practices. Participants identified numerous issues and made suggestions that recognized the use and incorporation of traditional knowledge and tribal traditional lifeways regarding the agency's policy, framework, guidance documents, tribal exposure handbook (factors), tribal exposure scenarios, tools, education and training on risk assessment, and research. The TSC plans to finalize the workshop summary report, prepare a draft document that contains issues and recommendations, conduct a session at the NTCM, conduct extensive outreach and consultation with tribes, and present recommendations to the Indian Program Policy Council and Science Policy Council. Background materials and the workshop summary document can be located on the Science and American Indians website at <http://www.epa.gov/osp/tribes.htm>.

Penobscot Nation Chief named to National Post

Chief Jim Sappier, Penobscot Indian Nation, was unanimously elected as Chairman of the National Tribal Environmental Council (NTEC). The NTEC is a membership organization dedicated to working with and assisting tribes in the protection and preservation of reservation environment. NTEC services include environmental technical support, newsletters, updates, federal regulatory and legislative summaries, workshops on specific environmental issues, resource clearinghouse and reference library, and intergovernmental cooperation. For more information on NTEC, visit their Web site at <http://www.ntec.org> or call (505) 242-2175.

“Ensuring funding for environmental efforts by tribes will be a focus of the [his] job. The environmental problems faced by tribal governments are those of American society as a whole,” said Chief Sappier. Chief Sappier served as the tribal liaison for EPA Region 1 Office in Boston, Massachusetts, prior to his re-election to Penobscot leadership last year. During his previous term as Penobscot governor, Sappier was among the leaders from seven tribes who created NTEC to help preserve and protect Native American homelands.

AIEO STAFF HIGHLIGHTS



AIEO Team Award

AIEO has been focusing on a collaborative, work group-based approach to address the wide range of issues for which AIEO is responsible. While all the groups within the office have made great strides in working successfully to address their areas of responsibility, this year the Grants Work Group (GWG) was honored to be selected for special recognition. The GWG, (consisting of Edna Geter, Luke Jones, Bob Smith, Candi Schaedle and Rodges Ankrah) has placed emphasis on mutual support within the group, as well as in ensuring that all members have access to the same level of certification and understanding on grants related issues. This overlapping support network has enabled the group to address a wide range of issues, including Alaska Native Village funding, implementation of additional grant reporting information, and timely distribution of funding to the Regions. With the growing emphasis on accountability for grants and cooperative agreements, the GWG is poised to assume greater responsibilities in ensuring AIEO meets its responsibilities to ensure resource availability for tribal governments.

Office of Water Awards AIEO



AIEO Staff recently received the Office of Water Agents for Organization Improvement Award at Office of Water (OW) Award Ceremony held on May 26, 2005, at the National

Museum of American History. This award is the result of OW's annual recognition of individuals and teams of employees who have gone above and beyond normal responsibilities to help achieve OW and EPA strategic goals and objectives. The staff was rewarded for showing commitment to innovative and collaborative approaches that advance the goals of clean and safe water and healthy communities and ecosystems.



AIEO was also recognized for having the highest percentage of participation in Office of Water (100%) in the Combined Federal Campaign for 2004. Accepting on behalf of AIEO was Carol Jorgensen, Director, and Candi Schaedle and Teresa Kuklinksy, co-keyworkers.

New Faces at AIEO

Secody Hubbard, a member of the Navajo Nation from Ganado, Arizona, has been with EPA (Region 7 Kansas City, Kansas) for three years in the Office of Policy and Management. In 2004, he was the first Native American selected to represent Region 7 in the Executive Leadership Program (ELP). Currently, he is on a three-month Developmental Assignment with AIEO. Dr. Hubbard's background includes exceptional knowledge of Federal Indian Policy, Tribal Governments, the US Federal System, National Institutions, Policy Process, and Political Theory. He has worked with Tribal Governments on the Colorado Plateau, US Indian Health Service, and served as an intern with the Environmental Careers Organization (ECO). Secody earned his BS in Health Administration, Master of Public Administration, and a PhD in Public Policy Studies from Northern Arizona University, Flagstaff, Arizona. Dr. Hubbard's publications include *Negotiated Sovereignty: Working Towards Tribal-State Relations*, (Praeger, 2003) and *Tribal-State Relations: An Environmental Policy Paradox*.

Edna Silver comes to AIEO from the Bureau of Prisons, Department of Justice. While at the Bureau of Prisons, Ms. Silver was secretary for the Community Correction and Detention Division, performing a broad range of administrative and clerical functions, as well as contracting responsibilities. Edna worked for 25 years for Bureau of National Affairs (BNA) in Rockville as a support clerk and file room supervisor, and also worked for a few years as a part time sales associate at Hechts in Prince Georges Plaza. She is currently working on her Paralegal/Legal Assistant Degree from Prince Georges Community College. While originally from North Carolina, Edna currently lives in Mitchellville with her husband. She has two daughters and four grandchildren. When out of the office, and not in school, Edna reads, dances, sings, and plays sports, including walking and baseball. AIEO welcomes Edna and are thrilled to have her as office secretary to AIEO.

Lisa Dixon is Oklahoma Cherokee and Choctaw from Lawrence, KS. This is her second consecutive summer in DC working as an intern through the Washington Intern for Native Students (WINS) program. She attended Haskell Indian Nations University from 2001-2004 where she competed on the Varsity Women's Basketball, played one season on the Men's Soccer team, and tutored other Haskell students in Math. She majored in American Indian Studies during her time at Haskell. She plans to return to college in the fall to complete her course work for social work. She hopes to go to New Zealand for a year after completing her Bachelor of Arts, and then continue her studies for a Master degree in social work. Her ultimate goal is to open up her own practice.

Sara Campney is a Presidential Management Fellow at the U.S. Department of Agriculture Forest Service. She received a Masters in Urban and Regional Planning from Florida State and has been working in budget presentation and National Forest Management Act planning. She hails from Pensacola, Florida, where her parents have finally finished repairing hurricane damage. She enjoys living in the U Street neighborhood with a small white fluffy dog, and volunteers at House of Ruth. She has been playing handbells for 10 years and is currently playing with the National Presbyterian Grace Chimes. She will be working with AIEO Information and Analysis Workgroup until September 2005.

IN MEMORIAM



VIRGIL MASAYESVA (Information from ITEP's website)

A memorial service for Virgil Masayesva was held April 9, 2005, in Flagstaff, AZ. He was co-founder and director of the Institute for Tribal Environmental Professionals (ITEP) at Northern Arizona University. He was actively involved in the development of ITEP's tribal air quality training programs, including the American Indian Air Quality Training Program and the Tribal Air Monitoring Support Center, and many other programs dedicated to protection and preservation of tribal cultures and sovereignty. Additional information can be found at website <http://www4.nau.edu/itep/virgil/>.

MARY DANN (Information from Indian Country Today, April 25, 2005)

Mary Dann, an upholder of Shoshone treaty rights and ardent resister to exploitive U.S. federal policies, died as a result of a ranch accident. "The Native community has truly lost a treasure in Mary Dann. Her clarity of mind and purpose can and should be emulated by our young people and our leaders alike. Her steadfast resolve to stand up for Native rights in the face of seemingly insurmountable opposition is what set her apart," responded Steve Melendez (Pyramid Lake Paiute and President of the American Indian Genocide Museum in Houston, Texas). Mary believed in living her life for the protection of her family, the life-sacred [the land, air, water and sun] and for the future generations.